THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15680 of 2005

Dated: 26-07-2007

Between:

Karmati Subba Rao and others.

..... PETITIONERS

AND

The Mandal Revenue Officer, Karempudi, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15680 of 2005

ORDER:

The petitioners, who are forty-two in number, are residents of Oppicherla Village, Karempuri Mandal, Guntur District. They filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess them from their land situated in said Village as arbitrary and illegal.

It is alleged that the ancestors of the petitioners occupied the land in survey Nos.774, 802, 951, 1041, 1048, 1049, 1055 and 1064 etc., ranging between Ac.1.00 to Acs.2.70. The petitioners also allege that there are 100 bore-wells and six transformers in the land. It is also alleged that petitioners 2, 3 and 4 were issued pattadar passbooks (PPBs) in respect of the land for which they are pattadars and that the other petitioners also filed applications requesting PPBs, but no orders were passed. The surveyors from the office of first respondent, namely, the Mandal Revenue Officer (MRO), visited the land of the petitioners in July, 2005 and surveyed the same. On enquiries, the petitioners were allegedly informed by the surveying staff that the land is going to be assigned to third parties/supporters of the ruling congress party on 15.08.2005. Therefore, they filed instant writ petition contending that the highhanded action of the respondents in trying to dispossess them is illegal and arbitrary.

This Court, while admitting the writ petition on 20.07.2005, passed interim orders in W.P.M.P.No.19926 of 2005, directing the respondents not to dispossess the petitioners. The respondents have now moved this Court by filing W.V.M.P.No.644 of 2007 for vacating the interim orders.
A counter-affidavit is also filed along with the vacate petition. With the consent of the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), the writ petition itself is heard finally and is being disposed of by this order.

First respondent in the counter-affidavit states that the land in survey Nos.802, 951, 1041/1&2, 1055 and 1064/1 & 2 is patta land. It is further stated that the land in other survey numbers i.e., survey Nos.774, 1041/3-1 to 4, 1048/1 to 25, 27 to 32, 1049 and 1064/3 is Government land classified as assessed/unassessed waste. All the petitioners are not in possession of the land as alleged. Only fifteen of them i.e., petitioners 5, 9, 10, 14, 21, 23 to 27, 30, 33, 34, 37 and 42 are in occupation of small extents of the land. The particulars of these extents is also given in the
counter-affidavit. But it is not necessary to refer to them. Though it is denied that the ancestors of the petitioners were in occupation, it is

admitted that these fifteen petitioners are in occupation of the land as on today. Adverting to the allegations that there is move to dispossess the petitioners from their land, it is stated that no steps were initiated to evict any of the petitioners much less those petitioners who own patta land. This writ petition is filed only when survey is taken up by the Government.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader, this Court is convinced that the writ petition is filed on mere apprehension. A reading of the counter-affidavit would show that the respondents did not even contemplate to issue notice to the petitioners to evict them from the encroachments. Curiously some of the petitioners who are pattadars also filed the writ petition when the survey staff surveyed the land. The writ petition is misconceived.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26th July, 2007
ghn